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The Third-Century B.C. Land-Leases from Tholthis*

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The recent publication by Wolfgang Mueller of *BGU* X¹ drew my attention to a set of Ptolemaic documents in the general framework of my preliminary studies on the social components of population in Hellenistic Egypt. In the present paper I wish to deal with a small group of texts limited in time, restricted to one village and confined to one juridical matter, the leasing and subletting of klerouchic holdings.

In fact, the nucleus of the texts we will be considering today consists of a series of land-leases and receipts of rents drawn up at Tholthis during the 7th, 8th, 9th and 10th years of Ptolemy Philopator. These documents come from mummy cartonnages the yield of which is scattered in several collections, especially in Berlin, Hamburg and Frankfurt.²

From the methodological point of view, it is both interesting and dangerous to centre our attention on such a small and uniform group of texts. It is interesting to study it separately mainly because I feel that as far as the third century B.C. is concerned, we tend to consider the documentation for that period as a whole, whereas in fact it covers a century of deep change in the way Greeks behaved in the Nile Valley, from the first military occupation to the progressive development of a Greek urban bourgeoisie. But it is not without danger to consider a small sample as a valid model only because it is homogeneous, even if we restrict its appli-

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¹ *Papyrusurkunden aus ptolemäischer Zeit* (Berlin, 1970).

² *BGU* VI 1262-1265, 1268-1269, 1277-1278; *BGU* X 1943-1950, 1958-1962, 1965, 1969-1970; *P.Frankf.* 1, 2 (= *BGU* 1264), 4; *P.Hamb.* I 26 = II 189; *SB* 6302-6303; *P.Hamb.* II 188 + *P.Iena* inv. 905 (Fr. Uebel, *Archiv für Papyrusf.* 22-23 [1974] 111-114); *P.Hib.* I 90, II 263. There are many other documents of this period from Tholthis or in general from the Oxyrhynchite nome.

cation to a limited period and area. Let Tholthis be taken as an example. All our documentation on third-century Tholthis comes from klerouchic circles. Does that imply for instance that there were large numbers of klerouchs at Tholthis, or that the land there consisted exclusively of klerouchic holdings? Furthermore do our land leases represent the normal way klerouchs were handling their holdings? We can agree, however, that Tholthis provides us with the possibility of studying the socio-economic conditions underlying cultivation of a certain number of klerouchic holdings.

With that restriction we may establish that our land-leases from Tholthis point to one type of cultivation of the *κληροι*: the surrender of the holding to third parties with part of the yield of the land coming back to the holder as rent in kind.

A first significant feature of this group of contracts covering years 7 to 10 of Philopator is the fact that the lessor of contracts is always a klerouch, with one half-noteworthy exception. This exception is a woman, but she is the mother of a klerouch, who is her *kyrios* in this affair.³ These klerouchs, including the latter, are all either privates of one military unit, *ιδιώται τῶν Φίλωνος*, or else klerouchs *οὐπω ὑφ' ἡγεμόνα*. The lessees, on the contrary, are always individuals designated as *τῆς ἐπιγονῆς*, sometimes in partnership with one or two Egyptians or, in one case, with a klerouchos *οὐπω ὑφ' ἡγεμόνα*. Can this opposition, klerouch as lessor versus *τῆς ἐπιγονῆς* as lessee, be interpreted according to the classical social model whereby on the one hand, from the economic point of view, the holder of the land, here the klerouch, would be the strong party, while the lessee, here a *τῆς ἐπιγονῆς*, would be the weak party condemned to short-term contracts and to producing at least in part for a third person, the lessee? That would be an erroneous interpretation.

Let us briefly consider the status of the different parties at issue here. First of all, there are the holders of the land, the klerouchs who are part of the military or who are waiting for a military involvement; there are the *τῆς ἐπιγονῆς* (and on this point I agree with most of Oates' conclusions),⁴ who are non-Egyptian civilians claiming a non-Egyptian origo, through a real or fake foreign origo—unlike the newcomers from Greece or elsewhere whose status was acquired by virtue of their birth abroad.

An analysis of the contracts indicates that the strong party, economically speaking, lies among the *τῆς ἐπιγονῆς*.

This appears quite clearly, for almost half of the contracts involve either

³ BGU X 1944.

⁴ John F. Oates, "The Status Designation: *Πέρας, τῆς ἐπιγονῆς*," *Yale Classical Studies* 18 (1963) 1–129. See especially 60–61.

advance payment of rent or a loan to be repaid or subtracted from the rent. This brings us back to something familiar to the papyrologist: the various sorts of contracts which cover financial transactions warranted by the right of use, whether a house, fields or the work of human beings. The activity of the *τῆς ἐπιγονῆς* Aristolochos, son of Stratios, is indicative. Sometimes he acts alone,⁵ sometimes with partners, among them a klerouch *οὕτω ὑφ' ἡγεμόνα*,⁶ but, and this is important, a klerouch who is going to give up his military title in order, in turn, to become *τῆς ἐπιγονῆς* in a later transaction.⁷

At the end of the 7th year, during the month of Peritios,⁸ Aristolochos and Straton rent Zopyrion's kleros, according to a lease not in our possession. Zopyrion is a private *τῶν Φίλωνος*. At the same time, Aristolochos agrees with Zopyrion to an advance payment of rent. Repayment of the loan is entered into the rent accounts not only for the 8th year but also for the 9th. Several months later,⁹ in Hyperberetaios in year 8, Aristolochos acts alone. He now supplies another klerouch (*Μακεδὼν τῶν οὕτω ὑφ' ἡγεμόνα*) with wheat, and this as an advance to cover future rents. At the same time, he signs a lease for the kleros of this klerouch. An additional element comes into play here: the contract is concluded several months before the traditional time for doing so. It is clear that at this very moment the holding was leased to someone else; the loan therefore includes a long-term option on the kleros. In this document of year 8, the *ἐκφόρια*, or rent in wheat, are to be taken for and from the crop of year 10, and the balance eventually is to be carried over to year 11. This contract is important since it helps dispel our original uncertainty as to the meaning of the first part of the document. One might have interpreted the advance payment of the rent for the coming year as an additional requirement set by the lessor. But in the second case the advance payment is to be recovered over a long term, and this indicates that the traditional lessor/lessee relationship does not exist between the two parties. Instead their relationship is that of a creditor (the lessee) to a debtor (the lessor), or rather the relationship of the one who has economic means to produce (the lessee) to the one who has not. In addition, shortly afterwards, at the beginning of year 9, Aristolochos and Straton carry out a similar operation for the kleros of a different klerouch, a *Πέρσης τῶν Φίλωνος ιδιώτης*.¹⁰

⁵ BGU X 1959, *P.Hamb.* II 188 + *P.Iena* inv. 905.

⁶ *P.Hamb.* I 26 = II 189, BGU X 1958, BGU VI 1265.

⁷ BGU X 1944.

⁸ *P.Hamb.* I 26 = II 189, BGU X 1958.

⁹ BGU X 1959.

¹⁰ BGU VI 1265.

They advance him 100 artabs of wheat as rent not for year 9 but for year 11. Furthermore we have two leases concerning other transactions of Aristolochos.

The first, *P.Hamb.* 188 + *P.Iena* inv. 905, is an ordinary one-year lease for the kleros of a triakontarouros. In the second document,¹¹ Aristolochos signs with Straton. But in the meantime, as I already pointed out, Straton has become a *τῆς ἐπιγονῆς*, and there is a third partner who is also a civilian. All three together lease, for one year, the land I mentioned earlier, the kleros belonging to a woman whose kyrios is her son, a klerouch *τῶν Φίλωνος*.

The group contains other documents accompanying such loans guaranteed by the right of cultivation of the plot and by the rents. They show two other variants at Tholthis. *SB* 6303 is a cession with loan of a piece of land by a private *τῶν Φίλωνος* to two *τῆς ἐπιγονῆς*. This lease exceptionally covers a period of two years. On the contrary, in two other cases, lease and loan are combined in one document. This time it is a question of a *πρόδομα* in silver. In one case, *P.Frankf.* 1, a *τῆς ἐπιγονῆς* lends 60 silver drachmas to a klerouch *τῶν οὐπώ ὑφ' ἡγεμόνα* and leases the latter's entire kleros according to the usual terms: no loan of seeds, duration one year, harvest in year 10, and payment of the *ἐκφόρια* in Dystros of year 11. The loan in silver has to be repaid by the lessee before the rent is paid to him in wheat; otherwise the sum will be subtracted from the rent at the price of wheat on the threshing-floor. *BGU VI* 1262 is a similar document, very probably from Tholthis. Each of these contracts confirms our picture of the socio-economic relationship between the klerouch (weak party) and the *τῆς ἐπιγονῆς* (strong party), at least in our group of documents.

Is the *τῆς ἐπιγονῆς* to be considered the actual cultivator of the holding he leases, whether alone or in partnership? Does he use his economically stronger position to secure more land to be directly cultivated by himself? This would be strange, and nothing in the Tholthis contracts leads to the idea that this so-called lessee intended to work on the fields he leases.

In the Tholthis documents it seems that a situation I have noted elsewhere for the Fayum at Tebtynis can be found here as well. The *τῆς ἐπιγονῆς* of the contracts, at any rate, often seems to be a middleman who puts the land in the hands of Egyptian peasants. I should first like to examine the problem in the light of a contract from a neighboring village, Takona, found in the same cartonnages made from documents of klerouchs *τῶν Φίλωνος*. *BGU VI* 1266, dated in year 203, presents us with the case of a *τῆς ἐπιγονῆς* who has leased a kleros that is found under the name of

¹¹ *BGU X* 1944.

an orphan. He shares his rights to cultivate the kleros with three partners. There are several important factors in the provisions of the contract. First of all, we know one of the partners as a lender of money and wheat. Secondly, the profits and costs are divided among the four partners as follows: $\frac{1}{5}$, $\frac{1}{5}$, $\frac{1}{5}$ and $\frac{2}{5}$; this indicates that the share of profit obtained is not a function of direct common cultivation of the fields, but of differentiated investment in it. The third factor, which elucidates the second, is that the contribution which each partner is required to make concerns the supply of seed and operating expenses. We are dealing with a small-scale capitalist group intervening between the klerouch, or holder of the land, who either does not want to cultivate it or is unable to do so, and the peasant who has no means of production of his own, and who will till the land with heavier rent requirements than those provided in the lease between the kleros-holder and the middleman *τῆς ἐπιγονῆς*.

In an article published four years ago in the *Problèmes de la terre en Grèce ancienne* edited by Moses Finley,¹² I tried to discern, mainly through Tebtynis papyri, the general phenomenon of the absence from the land of an important part of the Greeks who are involved in administration and cultivation of land, and, *a contrario*, the effective role of Egyptian peasants on klerouchic land and on royal land leased by Greek middlemen. This phenomenon does not appear as clearly in the Tholthis contracts, but that is mainly due to the nature of documents resulting from transactions between Greek klerouchs and Greek middlemen *τῆς ἐπιγονῆς*. Even so, on that level, Egyptians are not absent from the Tholthis documents. In some of the contracts we find an Egyptian directly associated with a Greek as a lessee,¹³ the latter being always a *τῆς ἐπιγονῆς* except in one case where the associate lessee is a klerouch. But are the two associates, the Greek and the Egyptian, on the same level? One might theorize that the Egyptian associate also belongs to the category of the middleman with a certain capital, and we cannot exclude this possibility. But, from what we know about the role of Egyptians in agriculture, it is far more probable that in many cases the Egyptian is associated with a Greek middleman not because he contributes his own capital, but because he brings to the partnership his own labour or that of a team of Egyptian peasants.

Furthermore, some of the texts advance our understanding of the role

¹² "Présence grecque et milieu rural ptolémaïque," in M. Finley, *Problèmes de la terre en Grèce ancienne* (1973) 215-222. Cf. my "Le milieu urbain dans la chôra égyptienne à l'époque ptolémaïque," *Proceedings of the XIV International Congress of Papyrologists* (1975) 367-373.

¹³ BGU X 1943, 1946, 1947; *P.Frankf.* 2 (cf. BGU VI 1263 and 1264); *P.Frankf.* 4. Cf. *P.Hib.* II 263.

of Egyptians in the agricultural structure of the chora. *BGU VI* 1269, for instance, probably from Tholthis, shows how a τῆς ἐπιγονῆς Greek sublets to an Egyptian part of a kleros he leased from a klerouch.

In short, in the Tholthis land-leases a socio-economic system appears in clearer light than was the case in my recent study of the Tebtynis situation. There, in fact, I focused my attention on Greek/Egyptian relations, taking into account the frequent absence of the Greek from the soil and the physical presence of the Egyptian in the fields, with all consequences this situation could have, even if most of the Egyptians were exploited by the absent Greek. The Tholthis file makes it possible to be more precise in this description. The klerouch has the privilege of holding part of the available good soil. A class of Greek civilians, settled in the chora, has at its disposal some economic means with a certain flexibility in using these resources. The Greeks may grant loans in money or in wheat, but they can also use their capital to involve themselves in the cultivation of the soil, whether klerouchic land, as in the Tholthis documents, or royal land. This involvement is accepted, and even sought, by klerouchs. For various reasons, one of which is their military engagement, klerouchs may not be able themselves to cultivate the fields they received or to exercise direct control on the cultivation of this land by Egyptian peasants. Perhaps a certain degree of indebtedness of the klerouchs may have hastened the development of this situation. This is nothing new, and we could extend the dichotomy between klerouch and free Greek, free Greek originating from Greece or Asia Minor or free Greek τῆς ἐπιγονῆς, to other periods of the third and second century. And we are immediately reminded of the versatile activity of Zenon after the end of the Apollonios tenure in Philadelphia. But this generalization is not our purpose today.

In conclusion, I would simply like to emphasize that the social dichotomy I have demonstrated between klerouchs and, we may suppose, civil officials, on the one hand, and Greeks not in the service of the army or administration on the other hand, is a tendency, but is not a rule. For instance, *BGU X* 1943 reveals more complex structures. Hermias, a klerouch τῶν οὐπω ὑφ' ἡγεμόνα has a kleros of 30 arouras. This kleros is leased to another klerouch, Πύρρος, also τῶν οὐπω ὑφ' ἡγεμόνα, who in turn leases the kleros to a τῆς ἐπιγονῆς associated with an Egyptian shepherd, Ὁξυρυγχίτης ποιμήν, accompanying the lease with a loan of seeds. In this case, a τῶν οὐπω ὑφ' ἡγεμόνα, in fact a klerouch with loose ties with the army, acts as a middleman between the landholder and the Egyptian and his Greek associate, who has at his disposal movables to invest in production. Here too we could easily find parallels in the third-century documents of other provenance. The case of Πύρρος would be an

exception only if we were to take as a rule the relationship we found in Tholthis between a certain number of klerouchs and a certain number of $\tau\eta\varsigma \epsilon\pi\iota\gamma\omicron\nu\eta\varsigma$. I was not searching for a rule, but I merely tried to put in the foreground a double facet of the social structure of Egypt at the end of the third century.

It would be a broader topic to insert this relationship in the interaction of two socio-economic elements: (a) on the one hand the inability of the klerouchs fully to assume the rôle of a production factor in the cultivation of the soil they had at their disposal; (b) on the other hand, the existence of a Greek (including Macedonian and Thracian) population with means to take economic initiative and to intervene in cultivation although they had no access to land holding. Taken even on a broader scale, this could be the beginning of a new approach to the study of the various levels of Greek population in Egypt in the third century. Two factors have conditioned papyrologists in this matter: first, the omnipresence in our documents of the king's administration and the king's holding of the land; second, the myth we have created of a Ptolemaic state economy. Analysis of groups of texts, such as the land-leases drawn up in Tholthis, will make increasingly evident the number of Greeks who were neither officials nor klerouchs, and will indicate that they were an important element in the development of the Greek community settled in the chora into the society of Greek notables of the Roman metropoleis.¹⁴

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¹⁴ Cf. Cl. Préaux, *Les Grecs en Égypte d'après les archives de Zénon* (Brussels, 1947), where private types of economy developed by some Greeks are alluded to rather than specifically studied and described. See also a not quite satisfactory approach to the problem in M. Rostovtzeff, *The Social and Economic History of the Hellenistic World I* (1943) 328-332, on "tax-farmers," "Greek bourgeoisie" and "Foreigners of lower standing," with such statements as the following: "In any case a Greek bourgeoisie was in course of formation in Egypt. The Ptolemies were aware of the fact and opened the doors of their new economic system to this new class." Was the door ever closed? And is the class really new?